

page 1

TO U.S. DISTRICT COURT JUDGE NOEL HILLMAN
from - Nicholas Buccinelli -
FDC Philadelphia
P.O. Box 562
Philadelphia, PA 19105

RECEIVED

RE, Case # 1:21-cr-00507

C-Plea II(c)(1)(c)

AUG 15 2022

Impact of Plea agreement

AT 8:30 M
WILLIAM T. WALSH
CLERK

Judge Hillman

This letter comes to your honor because of a bit of confusion that I have concerning the C-plea that I signed stating that I agreed to a sentence range of 96-120 months of imprisonment. Which is absolutely correct.

My confusion has to do with the fact that the probation department came back with a calculated range of 78 to 97 months. See page 39, paragraph 194 of the PSI. In paragraph 193 the US Probation office agrees with the stipulations outlined in the plea agreement.

The probation officer noted in paragraph 194 that if the court adopts the probation office's guideline calculation, the court may need to consider giving the parties an opportunity to be relieved of the terms of the plea agreement.

Judge Hillman, I am fully aware that with C-pleas the court has only 2 options. Accept the plea and proceed to sentencing or reject the plea and give the defendant the opportunity to withdraw his plea or to go forth with sentencing.

I am also fully aware that in most, but not all cases, the courts will accept the C-pleas. However, sometimes the courts will reject C-pleas because the court feels the terms of the C-plea may be too lenient for a defendant. The reasons for that could be the nature and circumstances of the offense and history and characteristics of the defendant don't reflect the seriousness of the offense. Or the defendant's criminal history is of a nature that the leniency of the C-plea would not adequately deter future criminal conduct.

page 2

However, rejecting a C-plea could also be because the court sees the opposite. That being the agreed upon sentence in the C-plea is too severe.

Your honor in my unique situation, the probation department calculated a guideline range of 78-97 months. That is 18 months less than the low range of the C-plea and 23 months less than the high range of the C-plea.

What I am respectfully asking of the court is to reject the C-plea based on everything that was mentioned on page 37, paragraph 94 of the PSI. I am undoubtedly one of those rare cases where the C-plea I signed is above the calculated guidelines of the probation department.

I do know that most C-pleas are accepted as is. In most cases if a C-plea is rejected, it is because the sentence to be imposed is too lenient based on 2553(c) sentencing factors. I happen to be one of the rare individuals where the court should reject the C-plea, based on what the probation departments calculation.

If the court does reject the C-plea based on the probation officer's report, I will not withdraw my guilty plea. I will ask the court to proceed with sentencing.

I have had no criminal conduct in over 20 years. I have zero criminal history points which puts me in category 1. In addition I accepted full responsibility for my actions and pled guilty in a timely fashion.

A sentence of 78 months at the low end of the probation officer's calculated guideline range will reflect the seriousness of the offense, will promote respect for the law and more importantly, 78 months will provide just punishment for the offense.

Judge Hillman - thank you for your time and consideration.

Respectfully Submitted

Nicholas Bucciarilli

Handwritten letter instead of a

Dated

8-8-2022

typed letter because our
printer has been down for 2+ weeks.

TRULINCS 06976509 - BUCCIARELLI, NICHOLAS MICH - Unit: PHL-F-S

FROM: 06976509
TO:
SUBJECT: Letter to Honorable Judge Hillman
DATE: 06/26/2022 05:48:19 PM

Dear Honorable Judge Hillman,

My name is Nicholas Bucciarelli and I write to you today from the Philadelphia FDC in an attempt for you to better understand me as a human, rather than as an inmate number or my recent mistake. I would like to thank you for the opportunity and the epiphany you gave me when you told me at the last hearing, "that you want to get to know me better before sentencing". For the first time in many years, that made me feel like somebody cared and may have some compassion and understanding that we are all not perfect. Sometimes in life you make a mistake that has extensive consequences that most cannot recover from. Many people go to jail and are forever a convict and can never be seen or treated as anyone else. You feel hopeless and are surrounded by others that are also just a number in the system, and that nobody wants to "get to know them".

I appreciate the opportunity you are giving me to speak from the heart. About 30 years ago, I had made some mistakes as a troubled young man with a 5th grade education. I then cleaned up my life, started a family, and achieved the American Dream. By 2012, I had been a great husband and father of an adoring family. We had bought the house of my dreams with a beautiful yard and in-ground pool. Although my son, Dominick, was born with Pierre Robin disorder, resulting in undeveloped airways, feeding issues, brain surgery, and nine other severe surgeries, while under my care. By 2013, I had a work-related back injury, which was extremely painful which required my neck and lower back to be fused in 3 places. I was unable to work and became addicted to pain pills. My wife went back to school and obtained a job in the healthcare field to help support the family. I took care of all of the domestic chores, including getting the kids ready and off to school and home everyday. My duties also included house maintenance, pool maintenance, and vehicle maintenance, and taking care of all of the children, particularly the special needs necessary for Dominick.

By 2016, I had kicked the addiction to pain pills and wanted to take the family on trips to see the East Coast. I bought a 36-foot Coachman RV and took the family on several trips, including Disney World. We also took an extended family trip on 9 weeks to explore the Carolinas and went horseback riding, fishing camping, hiking, and white water rafting that made memories of a lifetime. It was a great distraction and opportunity to spend quality time with the family and Dominick. Dominick liked it so much that I decided to be a pack leader for the Christian Rangers. It is like a Christian Boy Scouts of which Dominick was so excited to be a member. I had offered the pastor to take the kids on trips in the RV and to be a ranger dad, to spend more time with Dominick and help other kids. The pastor was appreciative and supportive, until he ran a background check on me and found a crime that was over 22 years old, and he expressed some concern. When I asked him if I could be a ranger dad a week later, he said that he "will pray on it" and that really hurt my confidence and pride. As 3 weeks went by, I felt the pastor would see that I was a good man and had much to offer to the Ranger Boys club. Then I was at a motorcycle event and ran into some old friends who asked me to join a motorcycle club. I told them that I would think about it, but knew that there was a time commitment. Then, after asking the pastor a few more times, he just said that he was still "praying on it" and I got fed up, disheartened, and decided to join my friends in a much different club than the Rangers Club. This was a motorcycle club, in which I am no longer a member or associated with in any way.

Shortly after this, I became a product of my environment which was not a good environment. I started drinking and experimenting with drugs which was not like me and I felt like I was losing my way in life, and started to suffer from severe depression and anger, which exacerbated the problems. This unfortunately led to some very bad choices in which I am not proud of, and am eternally remorseful. I am sorry to my family and my community and I take full responsibility for all of my actions.

I have always been a man that helped everyone and took care of people, even before myself. This gave me a great sense of self worth and confidence, knowing that I could give back to the community after achieving much success in my life as a project manager in the bio-diesel industry, doing very well financially. I sponsor toy for tots campaign at Christmas, where I would also sponsor a few families personally and provide assistance to families that could not give their own families a bountiful Christmas. However, once I joined the motorcycle club, it required a lot of time and responsibility, and I started to become selfish and self-absorbed, and I am sorry for my behavior and the time that I lost with my family. I did some things that I am forced to think about every day, while I sit in prison, wishing I could go back in time, and change some things I did. That is my cross to bear every day; to sit here and be away from my family, and for what?

This whole system of criminal justice is not always fair in how defendants are presented to judges and juries. While I take full responsibility for my mistakes, the courts are always aware of all the bad acts I have committed, but are seldom unaware of any of the good and kind acts, they only talk about the bad. I have helped so many people and given back to the community and my

TRULINCS 06976509 - BUCCIARELLI, NICHOLAS MICH - Unit: PHL-F-S

family in so many ways. When my son Dominick was born in 2005 with Pierre Robin disorder, my whole life was dedicated to taking care of my son, raising money to travel to the Cincinnati Children's Hospital for multiple surgeries. We even appeared on the Channel 6 news with Anity Brinkman Health Watch, who did a beautiful story of Dominick with my wife and the kids. Our story was also covered by multiple newspapers where I was on the front cover, holding Dominick and talking about our plight. Then in around 1996, I was working as a welder at an apartment complex, welding a boiler pipe, when a young woman came running to me, saying she was shot. When I took her wig off, she was gushing blood from the head and I held her and put my thumb into the bullet hole to stop the bleeding. This poor young lady was carjacked, raped and shot in the head and would have bled to death in my arms, according to the paramedics and police, who hailed me as a hero that saved her life. Fox 29 News also did a story and interviewed me; and me and the young lady began a friendship while meeting her family and having dinner a few times a year. Her and her whole family were very appreciative, yet this will never come up in any criminal hearings. At this point, I have taken responsibility for all of my mistakes, I have served my time, and continue to serve time in a Federal prison, waiting to be sentenced, and hear when I can be back with my family and start my life over. My Wife Nicole and I bought and sold 4 homes together always making a better environment for our children. My family still stands behind me and that is why I have such hope and promise for the future. I hope the courts will have compassion at my sentencing, in knowing I am just a man who has made some mistakes, but has also had some great successes and did good deeds towards my fellow man.

Sincerely,

Nicholas Bucciarelli

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08/15/22 Page 3 of 3 Page

9 AUG 2022 PM 9 L



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AUG 15 2022

AT 8:30 WILLIAM G. E. M

The Honorable Noel L. Hillman U.S.D.J.
U.S. District Court District of N.J.
Mitchell Colen Bldg & U.S. Courthouse
4th & Cooper Streets
Camden, N.J. 08101

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